

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- V - :

SUREN GADAYEV :

Defendant. :

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AFFIRMATION

15 Cr. 66 (LTS)

I, Suren Gadayev, hereby affirm under penalties of perjury,
pursuant to 28 U.S.C. § 1746, as follows:

1. I am the defendant in the above captioned case. I make this affirmation in support of the instant motion to suppress evidence pursuant to the Fifth and Sixth Amendments of the United States Constitution, on the grounds that a statement made by me was involuntary, made without Miranda warnings and in violation of my right to counsel.
2. On January 26, 2015, I was arrested by Federal agents from the F.B.I. and taken to F.B.I. offices. I was handcuffed and placed in a car.
3. During the ride in the car, I was questioned by the agents about the circumstances leading to my arrest. I was not advised of my Miranda rights.
4. I answered questions related to the current charges of Extortion and Conspiracy.
5. I was not aware that I had a right to remain silent, or that I had a right to a lawyer and that anything that I

said could be used against me in Court.


6. About ten minutes after arriving at F.B.I. headquarters, I was taken to a room, handcuffed to a bar in the room and questioned again by the same two agents who had questioned me previously.
7. They started by telling me "we already did this one time and we are going to do it again." They were referring to the questions they asked me in the car.
8. This time they read to me from a piece of paper which they said was my rights. They asked me whether I was willing to answer questions without a lawyer present?
9. I was concerned about answering questions without a lawyer present and whether what I said could be held against me. I asked them "isn't that against me?" I was told by one of the agents that "it isn't held against you," so I answered questions.
10. I knew that I had already answered their questions about the charges and I felt that I had no choice but to repeat what I had already said. In addition, when I was told that it isn't held against me, they explained something about a lawyer and that I could stop at any time, but that didn't matter because I thought nothing could be held against me, even without a lawyer.

WHEREFORE, it is respectfully requested that this Court enter an order suppressing evidence, the statement made by me, on

the grounds that the statement was obtained in violation of my rights under the Fifth and Sixth Amendments to the United States Constitution, or such other relief as the Court may deem just and proper.

I declare under penalty of perjury that the foregoing is true and accurate.

Dated: May 9, 2015
New York, New York


SUREN GADAYEV